

Office of Montana Secretary of State Linda McCulloch

- *Frequently Asked Questions*
- Questions and answers to election administration questions in the following categories:
 - Voter Registration
 - UOCAVA Voters
 - Candidate Filing/Ballot Certification
 - Polling Places
 - Assistance to Voters with Disabilities
 - Voting Systems Testing and Certification
 - Provisional Voting and ID
 - Ballot Issues and Petitions
 - Mail Ballot Elections

Voter Registration

- What is the cutoff for regular registration for every election?
 - A. It is **30** days before each election.
 - When elections are held on Tuesdays, as most all elections are, the 30th day before the election is always a Sunday, so the date rolls over to Monday, the 29th day before the election.

Voter Registration

- Do we have to accept cards that are postmarked by the close of regular voter registration but are received after the 30th day?
 - A. Yes, as long as they are received within **3** days of the close of regular voter registration.

Voter Registration

- What if a person fails to include their driver's license number, or if they have no driver's license number, or fails to provide the last four digits of their SSN? If they have neither, can they provide an ID?
 - A. A person is **provisionally** registered if they do not provide a verified DLN or partial SSN.
 - If they have neither (this will be VERY FEW people) and provide an accepted form of ID, they can be regularly registered.

Late Registration

- When does late registration start?
 - A. The day after **regular registration ends.**

Late Registration

- Does it have to be done at the county election office?
 - A. **Yes!**

Late Registration

- Can a late registrant take their ballot with them and return it later?
 - A. **Yes!**

Late Registration

- Can a late registrant return a ballot to the polls?
 - A. **No-it must be returned to the election office.**

Late Registration

- Are late registrants considered absentee voters?
 - A. **Yes-their ballots should be treated as absentee ballots.**

Voter Registration

- An election judge calls on election day and says that there is a voter at the polls who says they registered at the driver's license office 2 weeks ago. They do not appear in the register. What do you do?

Voter Registration

- The potential voter must be sent to the election administrator's office – WHY?

**The voter cannot
LATE REGISTER
at the motor vehicle
department.**

Voter Registration

- An individual who is 17, but who will turn 18 on election day comes in to register to vote. The individual also requests to be on the annual absentee list. Can this individual be on the annual absentee list and get a ballot for the upcoming election, when he won't be 18 until election day?

Voter Registration

- **No, according to Montana law, a person may not vote at elections unless the person is 18 year of age or older. Because this individual will not turn 18 until election day, they cannot vote a ballot until election day and so would have to go to the polls to cast their ballot.**

Absent Military and Overseas Citizen Voters

- Who are UOCAVA voters?
 - A. These are **absent** military and overseas voters. They are referred to in state law as United States Electors.

Absent Military and Overseas Citizen Voters

- What is FVAP?

- A. This is the Federal Voting Program.

Assistance

- The program staff members assist absent military and overseas voters with registration and voting.
 - The website is fvap.gov.

Absent Military and Overseas Citizen Voters

- Do I have to allow a UOCAVA voter to register, apply for an absentee ballot, or vote a ballot by fax, email or some other electronic means?

**Yes – recently passed Federal
And State Legislation requires
Each county to offer
Electronic services to these
voters**

Absent Military and Overseas Citizen Voters

- Can a UOCAVA voter late-register?
 - **Yes** Previously a UOCAVA voter could only late register using the **FWAB** (federal write-in absentee ballot) but new law allows them to late register even though they cannot appear at your office to do so.

Absent Military and Overseas Citizen Voters

- What is a FWAB and where can someone get one?
 - A FWAB is a Federal Write-in Absentee Ballot, used as a **back-up ballot** if a UOCAVA voter does not receive a regular ballot in time.
 - A FWAB can be accessed from the Secretary of State's website, or from FVAP's website.

Absent Military and Overseas Citizen Voters

- A U.S. citizen residing in Canada wants to register in your county. While the individual has never lived in your county, his parents do reside there. What do you tell this potential voter?

Absent Military and Overseas Citizen Voters

- This voter, although a U.S. citizen, is not eligible to vote in your county. Montana law is clear that an overseas civilian may vote in the last place in which the person was domiciled before leaving the U.S.
- 13-21-102(5) (c)

Candidate Filing and Ballot Certification

- When does candidate filing start and end for statewide and Federal elections?
 - A. Candidate filing starts **145 days** before the primary and will end 85 days before the primary.
 - Note: candidate filing for all other elections begins 135 days before the elections and ends 75 days before.

Candidate Filing and Ballot Certification

- What are our options for ballot printers?
 - A. You can use ES&S, the vendor for **election equipment** in Montana, or another printer, but be sure that your printer knows and follows the applicable requirements set by the equipment vendor.
 - Be sure whoever you use for ballot printing is capable of printing ballots to the specifications required for the optical scan equipment used in Montana.

Candidate Filing and Ballot Certification

- Are election administrators required to publish a notice regarding opening of filing period for offices in local newspapers?
- A. There is no **statutory requirement** to publish a notice of opening of candidate filing.
 - It may be administratively beneficial to the election office to publish such a notice, and nothing prevents you from publishing one.

Polling Places

- What happens if a voter comes to the polling place and has changed his or her name or precinct, but has not yet notified the elections office?
 - A. They **can vote** one last time in their old precinct using their old name and/or precinct, but should fill out a voter registration card.

Polling Places

- When do polling places have to be open?
 - A. In general, polling places must be open from
7 a.m. to 8 p.m.
 - A polling place with less than **400** registered electors must be open at least from noon to 8 p.m. or until all registered electors have voted (they can still be open from 7a.m. to 8 p.m. at the election administrator's discretion).
 - If elections are combined with a school election, the polling place has to be open at the times set for school elections.

Polling Places

- Signature gatherers have requested to be present inside the polling place. You have limited space and 4 different groups who want to gather signatures. What should you do?

Polling Places

- You must ensure that the polling place is not obstructed. If it is impossible to fit all of them in the polling place, allow them to be as near as possible, without obstructing the polling place.
- It is advisable to make these arrangements ahead of election day so that there is no disruption of voting.

Polling Places

- A candidate comes in to the election office during the 30-day late registration and absentee voting period wearing a political button. Must the candidate be asked to leave the premises?

Polling Places

- **Montana law is clear that electioneering restrictions are only “on election day”.**
- **If you plan to try to enforce the 100 foot election-day electioneering statute during the 30-day late registration and absentee voting period, you should get your county attorney’s approval.**

Assistance to Individuals with Disabilities

- Can I have the absentee ballot board or judges deliver a ballot *outside the county* to an elector with an illness or health emergency?

- A. **No.** By law, the elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence **within the county**.

Assistance to Individuals with Disabilities

- Do individuals with disabilities have the same rights to secrecy and privacy as other electors?
 - A. Yes, those rights are guaranteed under the

Help America Vote Act

Assistance to Individuals with Disabilities

- Do I need to have an AutoMARK available for voting at each polling place?
 - A. Yes, according to HAVA, there must be an **accessible** voting system at each polling place.

Assistance to Individuals with Disabilities

- What do I do if the AutoMARK does not work?
 - A. Be sure the **stub** has been removed prior to insertion of the ballot.
 - Try turning it off and on.
 - If this does not work, contact a technician or refer to the AutoMARK Troubleshooting Guide provided at this training, and included in the Election Judge Handbook.

Assistance to Individuals with Disabilities

- How do I maintain voter secrecy on an AutoMARK?
 - A. The most important step is to ensure that the election judge does not view the voted ballot. This can be done through the use of **secrecy sleeves**
 - Use of a privacy shield is another way to ensure privacy

Assistance to Individuals with Disabilities

- Do individuals with disabilities have to vote on AutoMARKs? Can people without disabilities vote on them?
 - A. Individuals with disabilities do not have to vote on AutoMARKs, but they have to be given the **option** to vote on them.
 - People without disabilities can vote on them if they choose to do so.

Assistance to Individuals with Disabilities

- A voter with a disability has given power of attorney to someone. Is the power of attorney sufficient to allow that person to apply for an absentee ballot, or vote a ballot for the person with the disability?

Assistance to Individuals with Disabilities

- No – the person with the power of attorney would have to be appointed as an agent for voting purposes by the individual with a disability, using the prescribed form.

Voting Systems and Testing

- What are the requirements for testing?
 - A. There are two main requirements:
 - No more than **30 days** prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly.
 - Notice of the testing must be given as provided by law.
 - A random test must be conducted by a county election administrator or designee of 5% of voting systems, a minimum of **one** per county, on election day, to validate the accuracy of voted paper ballots with the voting system results.

Voting Systems and Testing

- What should be used to keep ballots and voting systems secure before, during and after an election?
 - A. **Tamper resistant seals**
 - Along with a **Seal Log**

Absentee Voting

- When do we send confirmation notices to people on the annual absentee list?
 - A. These are sent once each year, in **January** The notices should be sent by **forwardable** mail.

Absentee Voting

- Are absentee ballots forwardable?
 - A. **No!**

Absentee Voting

- Can people fax in their absentee applications?
 - A. **Yes**

Absentee Voting

- Can an absentee voter return a ballot to any polling place in the county?

– A.

Yes

(except for late registrants)

Absentee Voting

- Can an inactive voter be reactivated by submittal of a request for absentee ballot form?
 - A. **Yes.** The request for absentee ballot will reactive a voter.

ID and Provisional Voting

- What is the difference between a provisionally registered elector and one who votes a provisional ballot?
 - A. A provisionally registered elector is one whose **Identity and/or eligibility** to vote is in question, generally because the person did not provide a verified DLN or partial SSN at the time of voter registration.
 - A voter may vote a provisional ballot if the elector is provisionally registered, or if the elector attempts to vote and his or her eligibility or identity is in question (such as for ID, register shows already voted absentee, name not in register, etc.).

ID and Provisional Voting

- Can electors be turned away from the polls without being given an opportunity to vote a provisional ballot?
 - A. **No.** Electors must be given the opportunity to cast a provisional ballot.

ID and Provisional Voting

- Is there a form at the polling place an elector can use for ID?

Yes, the Polling Place Elector ID Form

- A. This is the form given to electors who do not have ID. They fill it out, and the election judge at the polls contacts the elections office.
- If the DLN and/or partial SSN provided by the elector is verified by the county election office over the phone, the form is marked “verified.”
- The elector votes a regular ballot and retains the form.

Counting and Canvassing

- When does the count begin?
 - A. The count of absentee ballots or other ballots can begin at any time after the opening of the polls subject to **sequestering** requirements.
 - In regard to counting ballots, any official vote count must be public and continue without **adjournment** until completed and the result is publicly declared.

Counting and Canvassing

- When does canvassing begin?
 - A. Canvassing begins within **14** days after each election; the date was moved from 7 days after the election due to post-election audit requirements

Counting and Canvassing

- After the official canvass, you discover a mistake that was made on the canvass. Can you change the official canvass to correct the mistake?

Counting and Canvassing

- **The Attorney General has ruled that once the canvass is complete and official, minor technical mistakes cannot be corrected. The canvass must stand as it was certified. You should NEVER change your copy of the canvass once it is certified to the SOS. The SOS has the official copy archived and the county canvass should not reflect different totals than the SOS copy.**

Counting and Canvassing

- A candidate whose name appears on the ballot has passed away after absentee ballots were mailed out. Some voters who had not yet returned their ballot to the election office came in to get replacement ballots, but some did not. How do you instruct election judges to count any votes cast for the deceased candidate?

Counting and Canvassing

- **Any votes cast for the deceased candidate should be counted for the deceased candidate.**

Ballot Issues and Petitions

- How long do we have to process statewide ballot issue petitions once we receive them?
 - A. They need to be processed within **4 weeks** of when you receive them.

Ballot Issues and Petitions

- Can signature gatherers be under 18 or do they have to be registered voters?

- A. Signature gatherers can be under 18 and **do not** have to be registered voters, just residents of the state

Ballot Issues and Petitions

- We have a page of signatures that only put the town as an address, no residence, no mailing, no phone. Do we reject these?
 - A. You can reject them if they do not include the signer's **address** or the signer's **phone number**. One or the other must be on the petition.

Ballot Issues and Petitions

- Can counties accept faxed petitions in any instances?
 - A. Counties can accept faxed petitions as long as they are received by the deadline and followed up with the originals within **7 days.**

Mail Ballot Elections

- Are mail ballot elections ever required, and who has the final choice over whether or not a local election is conducted by mail?
 - A. **No**
 - The governing body of the locality holding the election has the final say over how the election is conducted.

Mail Ballot Elections

- When does my mail ballot plan need to be submitted to the SOS?
 - A. The SOS cannot accept the request unless it is received at least **60 days** before an election.

Mail Ballot Elections

- Do ballots automatically go out to both active and inactive electors?
 - A. **No.** Ballots are sent to active electors, but inactive electors must reactivate by updating their voter registration information before they can receive a ballot.

Mail Ballot Elections

- Do we use the annual absentee ballot list in a mail ballot election?
 - A. **No**, since all eligible active electors are already sent a ballot in mail ballot elections.

Mail Ballot Elections

- A ballot in a mail ballot election is returned to your office by the Post Office with a new address noted. What do you do with the ballot?

Mail Ballot Elections

- If a mail ballot is returned as undeliverable, the election administrator shall investigate the reason for the return and mail a confirmation notice.
- The law specifies that the mail ballot is not forwardable, and there is nothing in law or rule that allows the ballot to be sent forwardable after it is returned undeliverable.
- Ballots returned by the post office as undeliverable should be filed and shall be securely retained (if the voter comes in and resolves the address issue, the ballot can be provided).

More Questions?



- This is YOUR opportunity to ask questions and discuss election administration issues!